

OCT 13 2006

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Fax

To: Examiner Roger L. Pang **From:** Tipton L. Randall

Fax: 571-273-8300 **Pages:** 5

Phone: **Date:** 10/13/2006

Re: Response to Election/Restriction

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• **Comments:**

Examiner Roger L. Pang:

Attached is a Response to the First Office Action for patent application Serial Number 10/691,050 filed October 23, 2003, by inventor Eric J. Nesseth, for which a response is due November 3, 2006. This transmittal includes the following:

Fax Coversheet 1 Page

Transmittal Form..... 1 Page

Response to Election/Restriction Requirement..... 3 Pages

Regards,



Tipton L. Randall

Reg. No. 32,626

Attachments

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PTO/SB/21 (09-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/691,050	
	Filing Date	23 October 2003	
	First Named Inventor	Nesseth, Eric J.	
	Art Unit	3681	
	Examiner Name	Pang, Roger L.	
Total Number of Pages in This Submission	5	Attorney Docket Number	LR-5128 US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Tipton L. Randall		
Signature	<i>Tipton L. Randall</i>		
Printed name	Tipton L. Randall		
Date	13 October 2006	Reg. No.	32626

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	_____		
Typed or printed name	Tipton L. Randall	Date	13 October 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UTILITY P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nesselth, Eric J.	FIRST CLASS MAILING CERTIFICATE
Serial No.: 10/691,050	I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail under 37 C.F.R. § 1.8 in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on
Filed: 23 October 2003	<u>13 October 2006</u> (Date)
Title: ELECTROMECHANICAL SHIFTING APPARATUS	<u>Tipton L. Randall</u> (Print Name)
Art Unit: 3681	<u>Tipton L. Randall</u> (Signature)
Examiner: Pang, Roger L.	
Agent Ref: TLR-5128 US	

RESPONSE TO ELECTION/RESTRICTIONS REQUIREMENT

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

This Restriction/Election response is being filed in reply to the Office Action mailed 3 October, 2006, to which a response was due on or before 3 November, 2006.

Election of Species

1.00 *The Examiner holds that the application contains claims directed to the following patentably distinct species of the claimed invention:*

Actuator 1: gear drive

Actuator 2: screw drive

Actuator 3: belt drive

Switch Member 1: double pole double throw

Switch Member 2: momentary on/off/on momentary

Switch Mounting 1: on vehicle frame

Switch Mounting 2: on handle bar

The species are independent or distinct because they had different configurations that would require different searches.

1.10 The Examiner holds Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 2 are generic. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

PLEASE NOTE: Applicant must elect an Actuator, a Switch Member, and a Switch Mounting.

1.20 Applicant's agent herein elects to prosecute the **Species:** Actuator 1: gear drive. Applicant's agent herein also elects to prosecute the **Species:** Switch Member 2: momentary on/off/on momentary. Applicant's agent herein also elects to prosecute the **Species:** Switch Mounting 2: on handle bar. Applicant's agent holds that the claims 1-3, 7, 9-11, 13, 15, 16, and 18 read on **Species:** Actuator 1: gear drive, **Species:** Switch Member 2: momentary on/off/on momentary and **Species:** Switch Mounting 2: on handle bar.

1.30 Applicant's agent makes the election without traverse.

Respectfully submitted,

Date 13 October 2006

By

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TLR